

By: Senator(s) Johnson

To: Government Structure

SENATE BILL NO. 2267

1 AN ACT TO CREATE THE MISSISSIPPI STATEWIDE DATA EXCHANGE ACT;
2 TO REQUIRE THAT THE DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES
3 DEVELOP, MONITOR AND UPDATE A CLOUD-BASED SERVER FOR MISSISSIPPI
4 STATE AGENCIES AND OCCUPATIONAL LICENSURE BOARDS TO SHARE DATA; TO
5 REQUIRE THE DEPARTMENT TO CREATE A WEBSITE TO HELP AGENCIES,
6 LICENSURE BOARDS AND CONSUMERS REVIEW PREVIOUS FILINGS AND CROSS
7 REFERENCE STATE-PROVIDED PROGRAMS TO SEE IF THE CONSUMER QUALIFIES
8 AS A PARTICIPANT IN ANY OFFERED PROGRAMS OR FOR ASSISTANCE; TO
9 REQUIRE THE DEPARTMENT TO CREATE A WEBSITE FOR BUSINESS OWNERS TO
10 REVIEW AND FILE ALL FORMS REQUIRED TO BE A REGISTERED AND
11 OPERATING BUSINESS IN MISSISSIPPI; TO PROVIDE THE DEPARTMENT WITH
12 THE AUTHORITY TO PROMULGATE RULES AND REGULATIONS IN ORDER TO
13 EXECUTE THE REQUIREMENTS OF THE MISSISSIPPI STATEWIDE DATA
14 EXCHANGE ACT; TO AMEND SECTION 25-53-5, MISSISSIPPI CODE OF 1972,
15 TO ADD DEVELOPING, MONITORING AND UPDATING THE CLOUD-BASED SERVER
16 AND WEBSITES REQUIRED BY THE MISSISSIPPI STATEWIDE DATA EXCHANGE
17 ACT, TO THE POWERS AND RESPONSIBILITIES OF THE DEPARTMENT OF
18 INFORMATION TECHNOLOGY SERVICES; AND FOR RELATED PURPOSES.

19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

20 **SECTION 1.** (1) This act shall be known and may be cited as
21 the "Mississippi Statewide Data Exchange Act."

22 (2) The Mississippi Department of Information Technology
23 Services is tasked with developing, monitoring and updating a
24 single cloud-computing server that shall provide all Mississippi
25 state agencies and occupational licensure boards with a
26 cloud-based platform to share data that the agencies and boards



27 have collected within the scope of their standard operations and
28 practices. The cloud-based server shall be capable of performing
29 the following:

30 (a) Allows state agencies and occupational licensure
31 boards to share and make searchable data across the system. The
32 provisions of this section shall not be interpreted to mean that
33 state agencies and occupational licensure boards shall be
34 prohibited from redacting shared data to limit or restrict access
35 to confidential or privileged information;

36 (b) Connects to a website created by the Department of
37 Information Technology Services, that allows state agencies,
38 occupational licensure boards and consumers to view previously
39 shared information to prevent redundancy in applications, forms
40 and other filings, and cross references existing programs provided
41 by the state in order to see if a consumer would qualify for any
42 currently available assistance or programs; and

43 (c) Connects to a website created by the Department of
44 Information Technology Services, that allows business owners to
45 visit the website and view and submit all filings required for
46 businesses to be registered and operating within the State of
47 Mississippi.

48 (3) The Mississippi Department of Information Technology
49 Services shall have the authority to promulgate rules and
50 regulations to govern the cloud-based server and the related
51 services required by subsection (2) of this section.



52 **SECTION 2.** Section 25-53-5, Mississippi Code of 1972, is
53 amended as follows:

54 25-53-5. The authority shall have the following powers,
55 duties, and responsibilities:

56 (a) (i) The authority shall provide for the
57 development of plans for the efficient acquisition and utilization
58 of computer equipment and services by all agencies of state
59 government, and provide for their implementation. In so doing,
60 the authority may use the MDITS' staff, at the discretion of the
61 executive director of the authority, or the authority may contract
62 for the services of qualified consulting firms in the field of
63 information technology and utilize the service of such consultants
64 as may be necessary for such purposes. Pursuant to Section
65 25-53-1, the provisions of this section shall not apply to the
66 Department of Human Services for a period of three (3) years
67 beginning on July 1, 2017. Pursuant to Section 25-53-1, the
68 provisions of this section shall not apply to the Department of
69 Child Protection Services for a period of three (3) years
70 beginning July 1, 2017.

71 (ii) [Repealed]

72 (b) The authority shall immediately institute
73 procedures for carrying out the purposes of this chapter and
74 supervise the efficient execution of the powers and duties of the
75 office of executive director of the authority. In the execution
76 of its functions under this chapter, the authority shall maintain



77 as a paramount consideration the successful internal organization
78 and operation of the several agencies so that efficiency existing
79 therein shall not be adversely affected or impaired. In executing
80 its functions in relation to the institutions of higher learning
81 and junior colleges in the state, the authority shall take into
82 consideration the special needs of such institutions in relation
83 to the fields of teaching and scientific research.

84 (c) Title of whatever nature of all computer equipment
85 now vested in any agency of the State of Mississippi is hereby
86 vested in the authority, and no such equipment shall be disposed
87 of in any manner except in accordance with the direction of the
88 authority or under the provisions of such rules and regulations as
89 may hereafter be adopted by the authority in relation thereto.

90 (d) The authority shall adopt rules, regulations, and
91 procedures governing the acquisition of computer and
92 telecommunications equipment and services which shall, to the
93 fullest extent practicable, ensure the maximum of competition
94 between all manufacturers of supplies or equipment or services.
95 In the writing of specifications, in the making of contracts
96 relating to the acquisition of such equipment and services, and in
97 the performance of its other duties the authority shall provide
98 for the maximum compatibility of all information systems hereafter
99 installed or utilized by all state agencies and may require the
100 use of common computer languages where necessary to accomplish the
101 purposes of this chapter. The authority may establish by



102 regulation and charge reasonable fees on a nondiscriminatory basis
103 for the furnishing to bidders of copies of bid specifications and
104 other documents issued by the authority.

105 (e) The authority shall adopt rules and regulations
106 governing the sharing with, or the sale or lease of information
107 technology services to any nonstate agency or person. Such
108 regulations shall provide that any such sharing, sale or lease
109 shall be restricted in that same shall be accomplished only where
110 such services are not readily available otherwise within the
111 state, and then only at a charge to the user not less than the
112 prevailing rate of charge for similar services by private
113 enterprise within this state.

114 (f) The authority may, in its discretion, establish a
115 special technical advisory committee or committees to study and
116 make recommendations on technology matters within the competence
117 of the authority as the authority may see fit. Persons serving on
118 the Information Resource Council, its task forces, or any such
119 technical advisory committees shall be entitled to receive their
120 actual and necessary expenses actually incurred in the performance
121 of such duties, together with mileage as provided by law for state
122 employees, provided the same has been authorized by a resolution
123 duly adopted by the authority and entered on its minutes prior to
124 the performance of such duties.

125 (g) The authority may provide for the development and
126 require the adoption of standardized computer programs and may



127 provide for the dissemination of information to and the
128 establishment of training programs for the personnel of the
129 various information technology centers of state agencies and
130 personnel of the agencies utilizing the services thereof.

131 (h) The authority shall adopt reasonable rules and
132 regulations requiring the reporting to the authority through the
133 office of executive director of such information as may be
134 required for carrying out the purposes of this chapter and may
135 also establish such reasonable procedures to be followed in the
136 presentation of bills for payment under the terms of all contracts
137 for the acquisition of computer equipment and services now or
138 hereafter in force as may be required by the authority or by the
139 executive director in the execution of their powers and duties.

140 (i) The authority shall require such adequate
141 documentation of information technology procedures utilized by the
142 various state agencies and may require the establishment of such
143 organizational structures within state agencies relating to
144 information technology operations as may be necessary to
145 effectuate the purposes of this chapter.

146 (j) The authority may adopt such further reasonable
147 rules and regulations as may be necessary to fully implement the
148 purposes of this chapter. All rules and regulations adopted by
149 the authority shall be published and disseminated in readily
150 accessible form to all affected state agencies, and to all current
151 suppliers of computer equipment and services to the state, and to



all prospective suppliers requesting the same. Such rules and regulations shall be kept current, be periodically revised, and copies thereof shall be available at all times for inspection by the public at reasonable hours in the offices of the authority. Whenever possible no rule, regulation or any proposed amendment to such rules and regulations shall be finally adopted or enforced until copies of the proposed rules and regulations have been furnished to all interested parties for their comment and suggestions.

(k) The authority shall establish rules and regulations which shall provide for the submission of all contracts proposed to be executed by the executive director for computer equipment and/or telecommunications or services, including cloud computing, to the authority for approval before final execution, and the authority may provide that such contracts involving the expenditure of less than such specified amount as may be established by the authority may be finally executed by the executive director without first obtaining such approval by the authority.

(l) The authority is authorized to consider new technologies, such as cloud computing, to purchase, lease, or rent computer equipment or services and to operate that equipment and use those services in providing services to one or more state agencies when in its opinion such operation will provide maximum



efficiency and economy in the functions of any such agency or agencies.

(m) Upon the request of the governing body of a political subdivision or instrumentality, the authority shall assist the political subdivision or instrumentality in its development of plans for the efficient acquisition and utilization of computer equipment and services. An appropriate fee shall be charged the political subdivision by the authority for such assistance.

(n) The authority shall adopt rules and regulations governing the protest procedures to be followed by any actual or prospective bidder, offerer or contractor who is aggrieved in connection with the solicitation or award of a contract for the acquisition of computer equipment or services. Such rules and regulations shall prescribe the manner, time and procedure for making protests and may provide that a protest not timely filed shall be summarily denied. The authority may require the protesting party, at the time of filing the protest, to post a bond, payable to the state, in an amount that the authority determines sufficient to cover any expense or loss incurred by the state, the authority or any state agency as a result of the protest if the protest subsequently is determined by a court of competent jurisdiction to have been filed without any substantial basis or reasonable expectation to believe that the protest was meritorious; however, in no event may the amount of the bond



required exceed a reasonable estimate of the total project cost. The authority, in its discretion, also may prohibit any prospective bidder, offerer or contractor who is a party to any litigation involving any such contract with the state, the authority or any agency of the state to participate in any other such bid, offer or contract, or to be awarded any such contract, during the pendency of the litigation.

(o) The authority shall make a report in writing to the Legislature each year in the month of January. Such report shall contain a full and detailed account of the work of the authority for the preceding year as specified in Section 25-53-29(3).

All acquisitions of computer equipment and services involving the expenditure of funds in excess of the dollar amount established in Section 31-7-13(c), or rentals or leases in excess of the dollar amount established in Section 31-7-13(c) for the term of the contract, shall be based upon competitive and open specifications, and contracts therefor shall be entered into only after advertisements for bids are published in one or more daily newspapers having a general circulation in the state not less than fourteen (14) days prior to receiving sealed bids therefor. The authority may reserve the right to reject any or all bids, and if all bids are rejected, the authority may negotiate a contract within the limitations of the specifications so long as the terms of any such negotiated contract are equal to or better than the comparable terms submitted by the lowest and best bidder, and so



long as the total cost to the State of Mississippi does not exceed the lowest bid. If the authority accepts one (1) of such bids, it shall be that which is the lowest and best. Through June 30, 2024, the provisions of this paragraph shall not apply to acquisitions of information technology equipment and services made by the Mississippi Department of Health and the Mississippi Department of Revenue for the purposes of implementing, administering and enforcing the provisions of the Mississippi Medical Cannabis Act.

(p) When applicable, the authority may procure equipment, systems and related services in accordance with the law or regulations, or both, which govern the Bureau of Purchasing of the Office of General Services or which govern the Mississippi Department of Information Technology Services procurement of telecommunications equipment, software and services.

(q) The authority is authorized to purchase, lease, or rent information technology and services for the purpose of establishing pilot projects to investigate emerging technologies. These acquisitions shall be limited to new technologies and shall be limited to an amount set by annual appropriation of the Legislature. These acquisitions shall be exempt from the advertising and bidding requirement.

(r) To promote the maximum use and benefit from technology and services now in operation or which will in the future be placed in operation and to identify opportunities,



minimize duplication, reduce costs and improve the efficiency of providing common technology services the authority is authorized to:

(i) Enter into master agreements for computer or telecommunications equipment or services, including cloud computing, available for shared use by state agencies, * * * institutions of higher learning and governing authorities; and

(ii) Enter into contracts for the acquisition of computer or telecommunications equipment or services, including cloud computing, that have been acquired by other entities, located within or outside of the State of Mississippi, so long as it is determined by the authority to be in the best interest of the state. The acquisitions provided in this paragraph (r) shall be exempt from the advertising and bidding requirements of Section 25-53-1 et seq.

(s) All fees collected by the Mississippi Department of Information Technology Services shall be deposited into the Mississippi Department of Information Technology Services Revolving Fund unless otherwise specified by the Legislature.

(t) The authority shall work closely with the council to bring about effective coordination of policies, standards and procedures relating to procurement of remote sensing and geographic information systems (GIS) resources. In addition, the authority is responsible for development, operation and maintenance of a delivery system infrastructure for geographic



information systems data. The authority shall provide a warehouse for Mississippi's geographic information systems data.

(u) The authority shall manage one or more State Data Centers to provide information technology services on a cost-sharing basis. In determining the appropriate services to be provided through the State Data Center, the authority should consider those services that:

- (i) Result in savings to the state as a whole;
- (ii) Improve and enhance the security and reliability of the state's information and business systems; and
- (iii) Optimize the efficient use of the state's information technology assets, including, but not limited to, promoting partnerships with the state institutions of higher learning and community colleges to capitalize on advanced information technology resources.

(v) The authority shall manage the Mississippi Statewide Data Exchange, and shall adhere to all of the requirements of Section 1 of this act. The Department of Information Technology Services shall have the authority to promulgate rules and regulations necessary to develop, monitor and update the cloud-computing data exchange server and associated websites.

(* * *w) The authority shall increase federal participation in the cost of the State Data Center to the extent provided by law and its shared technology infrastructure through



301 providing such shared services to agencies that receive federal
302 funds. With regard to state institutions of higher learning and
303 community colleges, the authority may provide shared services when
304 mutually agreeable, following a determination by both the
305 authority and the Board of Trustees of State Institutions of
306 Higher Learning or the Mississippi Community College Board, as the
307 case may be, that the sharing of services is mutually beneficial.

308 (* * *x) The authority, in its discretion, may require
309 new or replacement agency business applications to be hosted at
310 the State Data Center. With regard to state institutions of
311 higher learning and community colleges, the authority and the
312 Board of Trustees of State Institutions of Higher Learning or the
313 Mississippi Community College Board, as the case may be, may agree
314 that institutions of higher learning or community colleges may
315 utilize business applications that are hosted at the State Data
316 Center, following a determination by both the authority and the
317 applicable board that the hosting of those applications is
318 mutually beneficial. In addition, the authority may establish
319 partnerships to capitalize on the advanced technology resources of
320 the Board of Trustees of State Institutions of Higher Learning or
321 the Mississippi Community College Board, following a determination
322 by both the authority and the applicable board that such a
323 partnership is mutually beneficial.

324 (* * *y) The authority shall provide a periodic update
325 regarding reform-based information technology initiatives to the



Chairmen of the House and Senate Accountability, Efficiency and
Transparency Committees.

From and after July 1, 2018, the expenses of this agency
shall be defrayed by appropriation from the State General Fund.
In addition, in order to receive the maximum use and benefit from
information technology and services, expenses for the provision of
statewide shared services that facilitate cost-effective
information processing and telecommunication solutions shall be
defrayed by pass-through funding and shall be deposited into the
Mississippi Department of Information Technology Services
Revolving Fund unless otherwise specified by the Legislature.
These funds shall only be utilized to pay the actual costs
incurred by the Mississippi Department of Information Technology
Services for providing these shared services to state agencies.
Furthermore, state agencies shall work in full cooperation with
the Board of the Mississippi Department of Information Technology
Services to identify computer equipment or services to minimize
duplication, reduce costs, and improve the efficiency of providing
common technology services across agency boundaries.

SECTION 3. This act shall take effect and be in force from
and after July 1, 2025.

